



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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Washington, D.C. 20231

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/023,483 02/13/98 HEROUX J 2528-2

0232/0424

NIXON & VANDERHYTE  
1100 NORTH GLEBE ROAD  
8TH FLOOR  
ARLINGTON VA 22201

NOT ASSIGNED

4 1643

DATE MAILED:

04/24/98

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a small entity (statement filed) non-small entity is \$ 3270.00

- ☒ 1. The statutory basic filing fee is:  
☒ missing.  
☐ insufficient.  
Applicant must submit \$ 790.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).  
☒ 2. Additional claim fees of \$ 2350.00, including any multiple dependent claim fees, are required.  
\$ 138.00 for 9 independent claims over 3.  
\$ 1342.00 for 61 dependent claims over 20.  
\$ 270.00 for multiple dependent claim surcharge.  
Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:  
☒ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.  
An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.  
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s) identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).  
☐ 7. Your filing receipt was mailed in error because your check was returned without payment.  
☐ 8. The application does not comply with the Sequence Rules.  
See attached "Notice to Comply with Sequence Rules, 37 CFR 1.821-1.825."  
☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SECTOR 2921

In re Patent Application of:

Attention: Application Branch

Jeffrey A. Heroux, et al

Atty. Dkt. 2528-2

Serial No. 09/023,483

Filed: February 13, 1998

Date: June 24, 1998

For: ASSAY METHODS FOR NUCLEIC ACID IN A SAMPLE



Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

The attached completes filing of the above-identified patent application:

- ☒ Signed Rule 63 Declaration alone OR  
☐ Signed Declaration plus attached copy of originally filed specification/drawings.  
☒ **NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED** form.  
☒ Record and return the attached assignment.  
☐ Priority is hereby claimed per Rule 55 & 35 USC119 based on prior foreign application(s) Nos.:  
**Application Nos. Country Filing Date**

respectively.

☐ This application is based on the following prior provisional application(s):

**Application No. Filing Date**

respectively and priority is hereby claimed therefrom.

Certified copy(ies) of foreign and/or provisional application(s): ☐ attached; ☐ already filed on \_\_\_\_\_  
in U.S. Application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_.

☐ The undersigned verifies that the above-identified application is identical to: filed \_\_\_\_\_  
amended on \_\_\_\_\_.

☒ Verified Statement attached establishing "small entity" status (Rules 9 & 27)

☒ Also attached: Preliminary amendment to claims (attached hereto), to be entered before calculation of the fee below.

**Fees are attached as calculated below:**

Basic filing fee					\$	790.00
Total Effective claims	37	- 20 =	17	x \$	\$	374.00
Independent claims	12	- 3 =	9	x \$	\$	738.00
If any proper multiple dependent claims now added for first time, add \$270 (ignore improper)					\$	0.00
				<b>FILING FEE</b>	\$	1,902.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110/1 month; \$400/2 months; \$950/3 months; \$1,510/4 months)					\$	0.00
Surcharge (\$130) if Declaration or filing fee first now submitted					\$	130.00
				<b>FIRST SUBTOTAL</b>	\$	2,032.00
If "small entity," enter half (1/2) of subtotal and subtract					-\$	1016.00
				<b>SECOND SUBTOTAL</b>	\$	1,016.00
Assignment Recording Fee (\$40)					\$	40.00
				<b>TOTAL FEE ENCLOSED</b>	\$	1,056.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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03 FC:203 TEB:lmo  
04 FC:202

**NIXON & VANDERHYE P.C.**

By Atty: Thomas E. Byrne, Reg. No. 32,205

Signature: \_\_\_\_\_